

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

KATHY HENDERSON,

Plaintiff,

vs.

REDLINE RECOVERY
SERVICES, LLC

Defendant.

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CIVIL ACTION NO. 3:09-cv-590-L

**JOINT MOTION TO VACATE JUDGMENT, DISMISS FEE PETITION AS
MOOT, AND DISMISS CASE WITH PREJUDICE**

COME NOW, Plaintiff Kathy Henderson and Defendant Redline Recovery Services, LLC, and file this Joint Motion to Vacate Judgment, Dismiss Fee Petition, and Dismiss Case With Prejudice, showing this Court as follows:

1. On February 2, 2010, Defendant offered judgment to Plaintiff pursuant to Rule 68 of the Federal Rules of Civil Procedure. Under the terms of the judgment, the Court would decide the amount of reasonable attorney fees and costs due Plaintiff.
2. The next day, February 3, 2010, Plaintiff accepted the offer and filed the judgment on the docket. [Doc. 18]
3. On February 12, 2010, Plaintiff filed her fee petition [Doc. 19], asking the Court to award her \$6,596.50 in attorney fees and \$425 in cost.

4. On February 26, 2010, this Court entered judgment pursuant to the accepted offer of judgment [Doc. 23], leaving open the amount of reasonable fees and costs due Plaintiff.

5. On March 24, 2010, Defendant filed its brief in opposition to Plaintiff's fee petition at [Doc. 27].

6. The parties have since conferred and resolved all outstanding issues related to this case conditional on the Court vacating the judgment [Doc. 23], dismissing as moot the presently pending fee petition, and dismissing the case with prejudice.

7. The parties represent to the Court that there is no need for further Court intervention in this case. The parties further desire to withdraw their briefs in connection with the reasonable attorney fees and costs due Plaintiff i.e. [Doc. 19] and [Doc. 27].

8. Based on the forgoing, Plaintiff and Defendant jointly request:

- i. That this Court vacate its February 26, 2010 order [Doc. 23];
- ii. That this Court vacate the Court's order taxing costs to the Defendant in the amount of \$425 [Doc. 24];
- iii. That this Court dismiss as moot Plaintiff's February 12, 2010 Motion for Attorney Fees and Costs [Doc. 12]; and
- iv. That this Court dismiss this action with prejudice.

Respectfully submitted this 25th day of March, 2010.

BUSH & RAMIEREZ, LLC

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